

Notice of Allowability

Application No.

09/841,422

Examiner

Fred Ferris

Applicant(s)

JUNG, PYOUNG-YOUNG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8 April 2005.
2. ☒ The allowed claim(s) is/are 6 and 9, now renumbered as 1 and 2.
3. ☒ The drawings filed on 24 April 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 06132005
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JEAN R. HOMERE
PRIMARY EXAMINER

DETAILED ACTION

1. Amended claims 6 and 9 are currently pending in this application based on applicant's disclosure filed 8 April 2005. Applicants have cancelled claims 1-5, 7-8, and 10-15. Claims 6 and 9 have now been allowed over the prior art of record.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Curtis Hamre on June 22, 2005.

Amend claim 9 with the following:

On page 15, line 4, of applicant's amendment filed 8 April 2005, delete the word "the" and insert the word "a" between the words "in" and "CAD". Line 4 should now read as follows: "included in a CAD drawing, and..."

On page 15, line 5, of applicant's amendment filed 8 April 2005, delete the word "the" between the words "to" and "project". Line 5 should now read as follows: "reference to project information corresponding to the CAD drawing:"

On page 15, line 13, of applicant's amendment filed 8 April 2005, delete the words "executing drawing for" before the words "entering the code". Line 13 should now read as follows: "entering the code of surface data included in the CAD drawing..."

On page 15, line 16, of applicant's amendment filed 8 April 2005, delete the words "executing drawing for" before the words "entering the code". Line 15 should now read as follows: "entering the code of line data and calculating horizontal..."

Response to Arguments

3. Applicant's arguments filed 8 April 2005 with respect to claims 6 and 9 have been fully considered and are persuasive. The 102(a) and 103(a) rejections have been withdrawn in view of applicant's amendment to the claims and cancellation of claims 1-5, 7-8, and 10-15. The 112(1) rejection and objection to the specification is withdrawn in view of applicant's amendment to the specification and amendment to the claims submitted 8 April 2005.

Allowable Subject Matter

4. Claims 6 and 9 have now been allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

Applicants are disclosing a CAD based system and method for obtaining building construction project costs and material information for a bill of materials from CAD drawings by extracting a Material Takeoff List which includes all parts of the building, taken from the plans, by tallying and checking off the items indicated on the drawings and specifications. The Material Takeoff List identifies all parts of the building, starting with its base and working upward and has been disclosed in the prior art of record. Specifically, such features are generally available in commercial software products such

as OnScreen Takeoff, from OnCenter Software, MaxTakeoff, from MaxView Corp., and BidScreen/Bidwork, from Vertigraph Inc. (See: "eTakeoffs for ePlans in Excel", BidScreen XL, Product Description, Vertigraph Inc., 2000, for example)

While these features are individually disclosed in the prior art, the prior art of record does not meet the conditions as suggested in MPEP section 2132, namely:

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."

In particular, the prior art of record does not disclose the specific sequence of method steps relating to extracting position and shape information and taking-off shape information by generating a closed curve center on object elements including linking the object position information by transferring the handle value of a polyline entity of the closed curve from room name code entity data to extended data as now recited in dependent claims 6 and 9, in the context of the claims. (See: specification pages 17, line 15 to 20, line 21, Figs. 1, 6a, 6b, 9)

The closest prior art uncovered during examination teaches certain limitations of the claimed invention as follows:

"On-Screen Takeoff 2.0", Press Release, On Center Software, Inc.: Teaches a cost estimation takeoff program that provides project information, design specifications, shape and position information, and report generation from CAD drawings and provides

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the capability to analyze (calculate) object cost for building elements, quantify lengths, areas, zone shapes, and volumes; perform counts, print color coded drawings, and generate material takeoff lists. However, On-Screen Takeoff 2.0 does not disclose extracting position and shape information and taking-off shape information by generating a closed curve center on object elements including linking the object position information by transferring the handle value of a polyline entity of the closed curve from room name code entity data to extended data as now recited in dependent claims 6 and 9.

U.S. Patent 6,438,922 issued to DeLeFevre: Teaches the use of position, room and material codes for building elements in CAD drawings, indexing the elements by project relative to building, floor, room, linking materials, and analyzing and correcting any discrepancies. However, DeLeFevre further does not disclose or render obvious the limitations relating to extracting position and shape information and taking-off shape information by generating a closed curve center on object elements including linking the object position information by transferring the handle value of a polyline entity of the closed curve from room name code entity data to extended data as now recited in dependent claims 6 and 9.

These features relating to the specific sequence of method steps as noted above renders the claimed invention non-obvious over the prior art of record.

Claim 6 uses "mean for" language and is further given deference in view of In re Donaldson and interpreted in view of 35 U.S.C. § 112 paragraph 6. The "means for" language and the limitations related thereto of claim 6 are interpreted within the scope

of enablement as provided within the relative embodiment provided within applicant's specification. Specifically, the "means for" language has been interpreted as defined in the embodiment of applicant's specification as follows:

Means for containing project information: (page 17, line 15 to page 20, line 23, Figs. 2, 6A&B, 8A-C)

Means for containing material information: (page 16, line 9 to page 17, line 14, Figs. 5-9)

Means for the take-off of materials: (page 19, line 5 to page 25, line 7, Fig. 6A-9, 12)

Further, the "device" for extracting position information, selecting a composite material code, and take-off of materials recited in claim 6 is interpreted by the examiner as embodied in the hardware system disclosed in Figure 1 and described in the passages beginning on page 7, line 8 of applicants specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

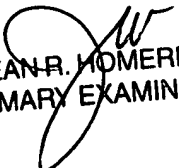
Conclusion

5. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry*

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of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached at 571-272-3780. The Official Fax Number is: (703) 872-9306

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JEAN R. HOMERE
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